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**Land Question and Agrarian Structure in Avadh
During Colonial Rule**

G. P. MISHRA
S. K. BAJPAI

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PREFACE

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G.P. MISHRA
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LAND QUESTION AND AGRARIAN STRUCTURE IN AVADH
DURING COLONIAL RULE

G.P. MISHRA

S.K. BAJPAI

In his article 'The Future Results of the British Rule in India', Marx wrote that "... the whole of her past history, if it be anything, is the history of successive conquests she has undergone. Indian society has no history at all, at least no known history. What we call its history, is but the history of the successive intruders who founded their empires on the passive basis of that unresisting and unchanging society."¹ This remark by Marx about India may hurt the feelings of the million Indians who regard their country as a cradle of human civilisation and feel proud of their country being historically rich in cultural heritage and traditions having bound them together from the times immemorial. But the context in which Marx said, in fact refers to the in-built resistance and non-acceptance of her society and people to any external values and norms other than their own mode of life and culture. The society continued to retain and sustain its own life style and cultural pattern of living which were spontaneously grown and developed through the evolution and development of her own science and technology. In a sense it is, therefore, characterised to be a stubborn Asiatic society. However it does not mean that the society did not undergo any change.

There has been a constant process of change in Indian society through the passage of time right from the ancient to the modern period. The process of change has historically

taken place around the form of holding land as one of the basic sources of livelihood and production and the operation of agriculture as a technology and methods of working the soils for production. The changes in the form of holding land as a means of production and in agriculture as a technology and methods of farming (i.e. the techno-organisational content of farming) from one period to another has brought about certain changes in the rural society but its Asiatic characteristics were retained in some form or other for a long period of time.

The history of change and development in the rural society from ancient to modern India shows how the process of formation of state(s) and emerging dominant groups or classes as the agents to appropriate agricultural surpluses (whatever the mode of appropriation may be) gradually transformed the communal or village form of land holding and the community-based peasant mode of production into private ownership-based land holding and wage labour-based mode of production in agriculture respectively. These changes were also accompanied by a process of change in the social relations between agriculture and manufacturing industry, between village and town, and between rural and urban producers. But the characteristic pattern of changes in social relations between these elements (i.e. agriculture and industry, village and town, and rural and urban producers) was not basically much different in medieval India from ancient India, despite operationalisation of land as de facto private ownership and farming as the peasant mode of production in medieval India. The Mughal Empire could not break the structure

of techno-economic inter-connectedness between agriculture and manufacturing industry or between village and town nor could erode the mode of life and cultural pattern of living prevailing in village India. That is why the characteristics of the Asiatic society were retained and the Muslims were internalised as a part and parcel of Indian society and culture.

During British Rule, Indian society underwent changes basically quite different from what it experienced during pre-British era. Firstly, there was annihilation of the Asiatic society; and secondly, the material conditions of the Western society were laid, nursed and strengthened in the course of time. The process of annihilation began by introducing land as a juridical form of property relations and by destroying the structure of techno-economic connectedness between agriculture and manufacturing industry, village and town, and rural and urban producers. The material conditions of the Western society were laid, nursed and strengthened by superimposing the colonial mode of production and Western culture of education.

The process of annihilation and superimposition of the colonial mode of production were not in the direction of reconstructing or restructuring the agrarian society at the institutional base of its own evolution and development but were tuned to serve the colonial interests. Hence during this period, the agrarian society was disjuncted from its own evolutionary built-in structure of land relations and social relations in agriculture and manufacturing industry, and finally became captive of the colonial nexus of centre-periphery relations.

What all this reflects is that the process of change in rural society in British India was quite different from that in pre-British India. Hence it stresses the need for assessing the impact of colonial rule in India's agrarian society that underwent certain basic changes around the question of land as one of the chief sources of production in particular; and the operation of agriculture as a technology and methods of farming, the peasant question and the question of social relations between agriculture and manufacturing industry, village and town and rural and urban producers in general.

Objective and Design of the Study

The objective of this study is to assess the impact of colonial rule on the structure of agrarian society in Avadh during the latter half of the Nineteenth Century. It is discussed relating to the question of land held as one of the basic sources of production on the following assumptions:

- (a) The process of agrarian change in Avadh was spontaneously internal prior to British rule, while it was externally superimposed during colonial rule.
- (b) The feudal dominated multi-structured society of Avadh during the medieval period had three characteristic features: centralised power at the apex of the pyramidal social structure, the village system, and the union between agriculture and manufacturing industry.

The village system and the union between agriculture and manufacturing industry were the characteristic features of the Asiatic society and its mode of production which were retained

and sustained from the past in medieval Avadh. But these features do not underscore the dominance of feudalism. The despotic land revenue system and general administration bear evidence to this fact. The dominant feudal structure was interwovenly based on the despotic relations with the Mansabdar-Jagirdar system on the one hand and with local Zamindars or village headmen and accountants on the other. But such hierarchical feudal structure was more hereditary than juridical in the actual sense of the term. Thus despotism based on the feudal dominated social structure had despotic relations which created some specific dominant group or class comprised of Mansabdars, Jagirdars and other feudal lords and the peasants, tenants, labourers and petty commodity producers were dependent on them. But this structure could not erode the village system nor the union between agriculture and manufacturing industry.

The study is based on the use of archival source materials both, published and unpublished manuscripts appertaining the nexus of land-lord and tenant. In view of this idea, the study is divided into following parts : the second part discusses the complex of agrarian relations as conceptualised legally during the beginning of colonial rule; third is related to materialisation of the juridical form of holding land as private property and means of production having emerged and operationalised from the colonial system of revenue assessment and settlement. The fourth one presents statistical picture about the composition of agrarian structure. The last one discusses the question of landlord-tenant relations.

PATTERN OF AGRARIAN RELATIONS : A DEFINITIVE INTERPRETATION

Prior to British rule, Avadh was one of the Subas of the Mughal Empire. In the mid-18th century the Mughal Viceroy in Avadh became an independent ruler. In 1765 the English turned this state into a subsidiary principality subject to Britain. In order to camouflage the state of affairs the English styled the ruler as a King. But the state was finally annexed to British rule on February 7, 1856.

On the eve of its annexion to Britain, the agrarian society of Avadh had all characteristic features of the feudal-dominated multi-structured society of medieval India, i.e. centralised power, the village system and the union between agriculture and manufacturing industry.

So far the question of land held as one of the basic sources of production was concerned, it is mentioned somewhere else that the despotic relations with the Mansabdar-Jagirdar on the one hand and with local zamindars or village headmen and accountant on the other in fact built the feudal structure; but the form of land held by them as private property was more hereditary than juridical in operational sense of the term.

Thomas E Metcalf wrote : "Before the British arrived land was never held in outright ownership as private property. The state possessed a traditional claim to share of the produce, known as the land revenue demand, and was in theory considered the ultimate power. The intermediary classes who collected the rent for the state were of the diverse origin".² The ques-

tion is : what was the village community ? According to Narul Hasan, "it was really the community of the proprietors in a village, especially where the village happened to be a Bhayachara village or a village of coparceneries. But otherwise, in the sense of the village commune or village community holding rights over land as a whole, we have hardly any evidence".³

B.R. Grover confidently held the view that "in the Mughal age, the state never claimed the absolute and exclusive ownership of the agrarian land and definitely recognised the existence of private property in it".⁴

In 1858 Marx wrote that "Lord Canning's proclamation in relation to Avadh, some important documents in reference to which we published on Saturday, has revived the discussion as to the land tenures of India - a subject upon which there have been great disputes and differences in times past, and misapprehensions in reference to which have led, so it is alleged, to very serious practical mistakes in the administration of those parts of India directly under British rule. The great point in this controversy is, what is the exact position which the zamindars, talukdars or sirdars, so called, held in the economical system of India ? Are they properly to be considered as landed proprietors or as mere tax-gatherers?"⁵ "A more thorough study of the institutions of Hindustan, together with the inconveniences, both social and political, resulting from the Bengal Settlement, has given currency to the opinion that by the original Hindu institutions, the property of the land was in the village corporations, in which resided the power of allotting it out to individuals for cultivation while the zamin-

dars and talukdars were in their origin nothing but officers of the government appointed to look after, to collect and to pay over to the prince the assessment due from the village".⁶

Marx's observations on the question of agrarian land as communal property are not taken to be historical reality by most of the Indian and foreign historians and social scientists. However, his observations have certain amount of historical reality and authenticity because he was social scientist and historian of an extraordinary calibre and perception and was himself close to the end of the Mughal empire and the beginning of colonial rule as a person. Considering this fact it becomes obvious that the agrarian land as private property was at least not juridically materialised but was institutionalised in terms of inheritance so far controlling and collecting land tax was concerned. Thus during the medieval period, the chieftains - whether Mansabdars or Jagirdars or native princes - and other intermediaries, in some form or other whatever their origin may be, possessed/control over the villages and land for revenue purposes from one generation to another; and they were the main fabrics of social and political power in the society.

What the English did was the confirmation of property rights in land on those chieftains, native princes and other intermediaries leading to the rightful existence of landed aristocracy in *je'duro* as well as in *de'facto* sense of the term. It would be judicious to mention at the very outset that, as one of the first principles of the colonial system in India, all land was hypothecated to the Government for its revenue and it was beyond the power of the proprietor to assign away the source whence it was derived.⁷

The agrarian setting of property relations in land as legally emerged from colonial rule in Avadh was based on the following pattern of agrarian relations :

<u>Proprietors</u>	<u>Tenants</u>
a. Talukdars	a. Occupancy tenants
b. Pukhtadars	b. Tenants-at-will
c. Sub-proprietors	c. Shikmi tenants

Talukdars

The secretary to the Chief Commissioner, Avadh in a circular stated the definition of Taluqdar as follows :

"Wherever there are two interests in an estate, a superior and inferior, the possessor of the former has been held to be taluqdar, and has received a sunnud. If there be but one interested in an estate that of the Zamindar and his title - is clear unquestioned and has also received a sunnud, whenever the annual Jumma of his estate exceeds Rs.5000/- per annum".⁸

The Taluqdars were required to grant patta to all holding land under them. These pattas might be for a term of one or more years, as agreed between the parties. The rent as fixed sum on holding (Bil Mukhtah) or a rate per bigha on particular kinds of cultivation or qualities of soil were mentioned in the pattas given by the Taluqdars.⁹

The job of identifying the Taluqdari interests in the legal parametres was very difficult. The complexities of the tenures on the spot in many areas of the Province, baffled the minds of the government officials. Moreover, the definition

of Taluqdar as cited above, could not dispel the clouds of confusion in all cases of the tenurial interests. Then, voluminous exchange of correspondence took place among the high officials of the government with a view to defining the Taluqdar. It was in such an attempt, the Deputy Commissioner referred to the Estate Act for the term 'Taluqdar'. He would, accordingly, recognise as Taluqdar only the 'Single heir' of Taluqdari. He pointed out that 'where in a taluqdari estate there is no custom of primogeniture or of devolution to single heir, the Estate was in the course of years under the ordinary law of inheritance, be broken up into a number of small holdings whose proprietors were not entitled to be treated with special favour. Section 14 of the Estate Act sufficiently provided that the Act contemplated the possibility of a single Taluqdari Estate being cut up into several taluqdari estates. That section further provided that where a taluqdar transferred by gift or will his estate, or any portion of it to any certain specified person', the transfer should succeed to all the rights and powers of the transferrer and become subject to the same conditions and rule of succession.¹⁰

He preferred to define the Taluqdar as under :

- A. Any person whose name was enlisted in the first list mentioned in the section-8.
- B. Any person to whom the Estate or any portion of the Estate of such recorded Taluqdar had devolved in any of the several ways prescribed in the Act for the devolution of the Taluqdari Estate.¹¹

With the singular exception of section 116, the Act XVII of 1876, the law confers on Taluqdar no personal distinction or exemption.

In fact, 'Taluqdar' is not defined in elaborate manner except in the definition of the Estate. The word 'estate' used to signify an immovable property acquired or held by a Taluqdar in the manner described in the sections 3, 4 or 5 of the Act I of 1869.¹²

The Settlement Commissioner of Avadh, Mr. Erskin, saw no reason in restricting the sub-division of the Taluqdari estate. If the estate belonged to two or more taluqdars or heir of taluqdars, Erskin wanted the cosharers to be allowed to have a perfect position of their shares. All he desired to put forth was, that the co-sharers should be allowed to get clear if they wanted to separate. But the co-sharers who thus became the separate owners did not become Taluqdars by virtue of such partition or sub-division. It was only in the case of their name being in the first list prescribed by Section 8, of the Act-I of 1869, they were considered to be Taluqdars after partition just as they were Taluqdars before partition. Moreover, the provisions of the Act-I of 1869 would not cease to apply to the estate of Taluqdars merely because it was sub-divided by perfect partition amongst the heirs/successors of the Taluqdar.¹³

A claimant of Taluqdari privilege whose name was not in the Gazettee of India lists, was required to establish his title by pleading the terms of Section 26(a) of the Act XVII of 1876 and a settlement with himself or with his predecessor in interest of his estate as a taluqdari estate.¹⁴

On common parlance the Taluqdar may be defined as non-cultivating large landowners possessing sanad from the British government, which entitled them to permanent hereditary proprietary rights in their taluqas or estates. The Taluqdar was responsible for the payment to the government of a fixed revenue demand from his estate. The demand in turn was realised from the tenants as rent.

In some portions of his estate, the Taluqdar collected rents directly from his tenants. This was known as Kham area. In others, i.e. the sub-settled or Pukhtedari area, the collection of rents was left to Pukhtedars or under-proprietors. Rents were realised in cash, though the appropriation of agricultural surplus from tenants also took the form of rents in kind, begar (forced labour), various taxes and cesses. The Taluqdar was authorised to exercise the power of distraint for realising the arrears of rent. The action in distraint included the seizure and selling of the crops of the tenants.

Many a Taluqdar were made honorary Magistrates also. Thus, they wielded the power to try the offenders in petty cases (civil and criminal) on their estates. The tenants were liable of eviction failing the payment of rent to the Taluqdar who, was empowered to enhance the rate of rent.

Pukhtedars

In the period preceding to the colonial rule in Avadh, the terms 'Pukhta' and 'Pukhtedari' were unknown regarding the revenue settlement. These were 'pompous' creations of 'kutchery phraseology' of the British. During the earlier period, when

an ex-proprietor leased his village for a fixed sum, he was said to hold it 'Pukka', whether any of those rights which the British defined as 'sub-proprietary' were reserved by him or not. On the other hand, if a stranger leased his village, the transactions were invariably designated as 'igarah' and never as 'pukhta'.¹⁵ "It sometimes happened that the Zamindar having mortgaged his village to a taluqdar executed a kabuliyat in favour of the mortgagee, or to save himself from oppression, transferred his village without alienation of his property-rights, but gave in a kabuliyat - the tenure in either case was called Pukhtadaree".¹⁶

The Pukhtadari or sub-settlement might be based :

- (a) on former proprietorship with fairly continuous possession upto annexation, when the village was incorporated without a valid transfer of rights.
- (b) on purchase of a sub-tenure as 'birts', 'sankalp' etc., no mutation in the names of proprietors having taken place and the sub-proprietors having retained entire control of the village; and
- (c) on the failure of the proprietor to redeem old mortgages, the power to do so having now expired under local rules.¹⁷

The Pukhtedars were a class of non-cultivating under-proprietors holding under the Taluqdars. Actually, they were those ex-proprietors with whom a separate sub-settlement had been made by the British. Members of this class had been able to prove their undisputed and continuous proprietary rights

over certain villages which had been included in Taluqdari estates. The sub-settlement led them to both heritable and transferrable right in the villages under their jurisdiction.

In the sub-settled villages, the Pukhtedars collected rents from the cultivators and paid the revenue either straight to the government or through the Taluqdars. The Pukhtedar was supposed to pay in addition to the revenue, Malikana, to the Taluqdar himself.

Sub-Proprietors

They were under-proprietors who did not merit to a sub-settlement. But, their rights were recognised by the superior proprietors. Tenures known by various names in vernacular were included in this class of proprietors. These different tenures were proprietary in nature, signified sub-proprietary rights as they were in subordination of the Taluqdar.

Dihdari or Didaree

In many districts where a village proprietor put his village to a Taluka on his own volition or his village was taken without his consent. The proprietor was left either with a fraction of a village or a particular plot of land as his own. This parcel of land was held rent or revenue free.

This tenure could be created by two ways¹⁸:

1. by assigning a share equal to $\frac{1}{4}$, $\frac{1}{6}$, $\frac{1}{7}$, $\frac{1}{8}$, $\frac{1}{10}$ of the property transferred and land to that extent was then made over, which might be one or more entire mauzas, or a smaller quantity of land.

2. by giving a certain amount of land at pleasure, without any reference to specific share.

It is worth mentioning in respect of didaree tenure that these were generally conferred under writing seldom verbally.

When a whole village was under this tenure the sub-proprietor invariably also enjoyed all village privileges and dues, and with there the proprietor had no concern whatever. The same was also the case where the sub-proprietors held an entire and separate fractional portion of a village included in a single estate, one of which was Didaree; and the other is not, it was generally found that in that case the sub-tenure carried with it no village privilege or dues whatever.

Sir (Home Farm)

This was the most common sub-proprietary tenure. When the owner or co-sharer lost all his other privileges, he retained his own special holding which he cultivated himself or by personal tenantry. This tenure was held at favourable rent, probably to encourage the old Zamindars to stay on or offer their village to a neighbourly Taluqdar. Thus Sir was a proprietary claim to a holding of one's own.

Sir is of two different kinds¹⁹

- a. When old proprietor parted with their estates without a reservation as to land being assigned for their support, it was not unusual for the new proprietor to leave them

in possession of the land tilled with their own ploughs; for a time they might escape rent, but subsequently a low rate was put upon their lands; and these were recognised by the two facts : (i) that the possession of the particular field had changed or if changed, the original area was maintained and (ii) by the rates being below the rents of other persons of the same class.

- b. It was common to assign to the Junior branches of a family certain lands for their support, instead of giving them the ancestral share to which they were entitled.

Birt

This grant was properly for appearance sake but afterwards suffused with an element of consideration. The holder of Birt was known as Birtea, who got proprietary rights by purchase and became intermediate holder. Birts of the same land were formally granted to serve different purposes viz. Jungle-birt (for clearing of jungle); Jewan-birt (for supporting younger son); Riyayat-birt (out of favour) etc. However, the Birtea did not become owner or Manager of the village by virtue of this grant.

Sankalp

It was a religious grant made for no consideration. Being of charitable and irrevocable nature, these were rent-free grants to the services of Brahmins. Normally, the Taluqdar who made the Sankalps, never resumed such grants.

Barbasti

When in some cases, a lower quite-rent was subsequently assessed, it was called Barbasti. The Barbasti were considerably below the government demand. In this class of sub-tenures, which were given in lieu of other superior rights, long since absorbed, whether they be hold rent-free or at low rates, the superior holder has of-course to make good, the government demand from higher property.²⁰

Baikitat

In some cases, the fields were sold by the proprietor in sub-ordinate tenure under a particular agreement for agricultural purposes. The status of the sub-proprietor in such cases was secured and did not differ much from the Birt or Sankalp purchaser.

Nankar

When a fractional share of the rental was assigned as Nankar, it was normally assumed on the rental of that time. It remained a fixed item without being subject to future increase or decrease. It was very seldom that the Nankar allowance was subject to annual adjustment. The original limit of share assigned remained fixed. The money was either paid by the proprietor to sub-proprietor, or "the latter was allowed a remission, equal to the amount in the rents of any lands he may hold as a cultivator".²¹

Baghat

The baghat or groves were of four classes:

- a. Baghat belonging to the existing proprietor
- b. Baghat belonging to the former proprietor
- c. Baghat belonging to the Sankalpdars and Birteas, and
- d. Baghat belonging to the Ryots.

The Baghat belonging to the existing proprietor were part and parcel of the owner's property; while the same belonging to former proprietor and Birteas relate sub-ordinate tenures. It is notable point that in all the first three classes, the existing right, superior or subordinate extended to both, the land and the trees.

The Baghat belonging to ryots, had its origin in verbal arrangements entered into by the proprietor or sub-proprietor and his cultivators. The rights of the cultivators included eating fruits, gathering wood, cutting wood for home use. This tenure ends on the cultivator's leaving the village. Although the landlord took no rent for grove lands but he claimed fruits on some occasions and he might fell a tree whenever he required. 11624

While recapitulating the aforementioned account, it may fairly be noted that the sub-proprietary tenures were of four kinds :

1. Tenures retained by persons who had formally enjoyed property rights in a village.
2. Gifts or grants to the Brahmins.

3. Tenures created by transfer of proprietary right by sale or mortgages, and,
4. Clearing leases.

Further, it has to be noted in this context that the holders of these rights were empowered to transfer or mortgage their lands. They would raise money without incurring immediate loss of possession. Normally, the sub-proprietors had greater advantage over the Pukhtedars because the amount of revenue payable by them was based on favourable rent-rate; and the revenue payable by Pukhtedars was assessed in part upon their actual rental. Thus, the Taluqdars, Pukhtedars and several categories of sub-proprietors constituted multi-tier agrarian structure which thrived on total appropriation from the tenantry in Avadh.

In the event of being defaulter for the payment of revenue to the government, the Taluqdars' estates could be brought under the government management and strangely enough, their Taluqdari rights were not infringed. But, the Pukhtedars and sub-proprietors would see their lands put up for sale by the Taluqdar if they failed the payment of rent on time.

T.A. (Occupancy Tenants)

The percentage of the occupancy tenants in Avadh was estimated at 1½ percent only. They were called Kubzadars also. One of the main characteristics of the occupancy tenants was that they enjoyed certain fixity of tenure in principle and could not be ejected from their holdings. Although, their lands could not be transferred by sale or mortgage, they possessed heritable rights over their lands.

As a matter of fact, the occupancy tenants held their lands on easier terms. The favour shown to them manifested in the rate of rent. Belonging to a high caste and long possession of the land were the main criteria for this favour. It was sheer on the consideration of the long-standing traditions, honour and status of the high caste, particularly the Brahmins, the occupancy tenants did not use the plough. Therefore, the administration observed it as a fair reason to reduce their rents. The reduction of rents found a sort of pecuniary justification in the wages or allowance of the ploughman (harwaha). Nevertheless, this usage and custom varied from village to village.

The occupancy tenants were the residents of the same village. This proved to be an advantage in their cultivation of fields as they would keep the fields well-manured and qualitatively improved. Obviously, the means of tilling the soil at their disposal were superior to those of the non-resident (Pahikasht) tenant. Thus, a pahikasht tenant could not enjoy the favourable rate of rent despite having higher place in the hierarchy of the caste-system.

It would be pertinent to mention here that wherever, consideration was practically given to the occupancy-tenants; there were two modes of showing the favour:

- a. reduction in rent of so much per bigha of land, and
- b. by a reduction of so much per rupee of rent.

The amount of reduction varied from a maximum of six annas to a rupee and to a minimum of 9 paise in a rupee. The favour in rate of rent did not amount to immunity from enhancement of rent. The rent would be revised and enhanced in the same proportion as well as others.²²

The occupancy tenancy remained as it was before - that is, it was allowed to any person who had 'lost all proprietary right' but had himself, or his predecessor in the inheritance had, at some former time - within thirty years of annexation, been proprietor and his right extended to land he was holding on the 24th August 1866. Moreover, nobody could be occupancy tenant in any village estate in which he also held any sub-proprietary rights viz. a grove, a special holding dihdari, etc. The occupancy-right is heritable but not transferable. A landlord may confer, by registered agreement, a right of occupancy irrespective of these terms.

The ejectment of occupancy-tenant could only be had on a decree, for arrears of rent which had not been paid-up for fifteen days after its issue.²³

Any tenant who desired to bring an 'improvement' was required to ask the landlord's leave, but if the landlord refused, power was given to apply to the Dy. Commissioner for permission. The landlord could make an improvement without the consent of a tenant-at-will but not without the consent of an occupancy tenant.²⁴

Tenant-at-will

The remarkable feature of the Avadh agrarian structure was that most of the cultivators were from this class. They were supposed to pay a rental to the Talogdar or under-proprietor under whom they held their holdings. As the term of reference suggests, they were actually on the whim and mercy of their superior. They could be ejected immediately, while failing to pay the rents. Insecurity and the threat to eviction (Bedakhli) were the most glaring hardships in the lives of the tenants-at-will. It has to be mentioned that the low-caste-tenants were served with the notice of eviction much less frequently because they were held back for doing begar (forced labour), in order to compensate for any arrears of rents.²⁵ To add to the already insecure tenure, the tenants-at-will's miseries were further aggravated as the landlord hardly allowed them to cultivate a specific parcel of land for a long time.²⁶ This short-lived relationship of the tenants-at-will with the piece of land under one proprietor led to indifference towards the improvement of the field. Moreover, the tenants-at-will were required to seek for the permission of the proprietor, if they wanted to plant trees or build wells on the land.

Shikmi

As a matter of fact the members of this class in the agrarian hierarchy were the tenants of the tenant. In many parts of Avadh, the high caste tenants observed the practice of sub-letting their lands to be cultivated by the low-caste

tenants as their Shikmies. These tenants were much more prone to rack-renting than others. It so happened that in many estates the Brahmins and Thakur castes held leases of larger holdings from the superior proprietors to sublet at high rents.²⁷ They subsisted on the difference between the privileged rent-rate and rack-rents. Moreover, the names of the Shikmies rarely appeared on the rent-rolls.²⁸

The very connotation of the term, tenant suggests the want of proprietary rights. The tenants did not possess the security of their tenure, they were, instead, ever fearful of periodic enhancement of rents. The number of comparatively privileged high caste Kubzdars faltered as they could not prove their occupancy rights in Court satisfactorily (when produced before law by the Taluqdar). Further, most of them were served eviction notices as they could not do the forced labour in lieu of their arrears. In fact, the notion of the social status prevented them from doing the begar. Ultimately, the situation worsened as the number of the tenants-at-will also increased in the entire tenantry.

During the Nawabi era in Avadh, the term Taluqdar was used without any juridical connotation. It rather applied to those who had emerged successful in the struggle for power and authority in the rural hinterland. It was only after the historic 1857, the term was defined more precisely. The Chief Commissioner of Avadh in 1860, opined that the Taluqdar means "an opulent landholder" and hastened to add that 'I should not consider any man who paid less than Rs.5000/- as revenue as an

opulent landholder'.²⁹ But, in due course of time, other adjuncts to the qualification followed. It was in this spate, the Chief Commissioner ruled that only 'sole proprietor' should be granted the sanad (patent). The application of this rule disqualified many such landlords who paid more than Rs.5000/- as revenue but were not the sole owners. One such case may be cited that Jagannath Baksh and Bajant Singh held together an estate assessed at Rs.32,000/- in Pratapgarh and they were denied the Taluqdari sanad, regardless of their being recognised as Taluqdars during the Nawabi era. The contention behind this anomaly was that they were not the sole owners' of their own share as the two landholders were out of a large brotherhood holding the Nain estate jointly.³⁰

While the set-rules were applied to many claimants of the sanad, they were set aside in a few cases on the grounds of high social status or being the owner of an estate which had come down to the family for several generation. To provide an apt illustration in this respect Chief Commissioner's note may be quoted, "it seems clear that Nubbee Bux (Karamat's uncle, the previous holder) was regarded and treated as a taluqdar. The estate is a small one, but it is sufficiently extensive to have gained for the owner the estimation and treatment of a taluqdar both with his neighbours and the government officials (of the old regime)".³¹ This was observed while approving the application of Karamat Hussain of Kataria whose revenue assessment was sheer Rs.2,763, while the usual minimum limit stood Rs.5000/-. Likewise, Mehpal Singh of Umri was granted

the Sanad because he carried the hereditary title of Raja and the rule of primogeniture had prevailed in the past generations on his estate.³²

The enactment of Act I of 1869, however, put an end to the qualitative change in the definition of the Taluqdar. The District Officers were required to prepare the lists of all those whom they thought entitled to the status of Taluqdars. Thus the lists of the Taluqdars became the principal document of ascertaining the title of Taluqdars according to the arbitrary criterion and legal premise set by the British Government in India.

III

REVENUE ASSESSMENT AND SETTLEMENT

The first settlement was made in February-March 1856 by the British Government. It was based on the old government Jama of 1262 less Nankar. Barrow³³ points out that under the old system, the Revenue was taken in twelve instalments. Of this $7\frac{1}{2}$ part was appropriated by the British while the remaining $4\frac{1}{2}$ part went to the former Avadh Government. In this way the British government kept Rs.7500 and left Rs.4500 for the Nawab out of total 12000 Rupees.

The government proposed to collect their own share of $7\frac{1}{2}$ kists in two instalments. The remaining $4\frac{1}{2}$ kists were summarily demanded at the same time. Thus it became a source of great

contention and embarrassment to the Taluqdars and Zamindars. Obviously, the demand for full years kists during the first six months, the $4\frac{1}{2}$ kists were rarely realized.

Well, after disposing of the Rabi 1262 settlement, the settlement officers were instructed to prepare for a three years settlement by procuring full information regarding :

1. the past five years Jumma
2. the Nankar grants (Delhi, Ismee and Tankhar)
3. the Mafi Jagires (Rent free villages)
4. the religious grants
5. Putwari and Chawkidar
6. The Rakam Sawai and Nazrana

The investigations were made in the month of April 1856 and the settlement operations commenced on 10th May.³⁴ But the settlement officers faced a great deal of difficulty in collecting the relevant indicators. The five year Jumma was hardly procurable for the villages being grouped together in small or large Talugas and many of these had been assessed so long in the gross. There were no records of the village paying Jumma separately. Therefore, the officers had to look into the Jamabandi accounts but these records were kept by the Taluqdars' servants who usually attempted to conceal the informations for the fear of loosing the village. However, the officers fixed the rent under the compelling circumstances despite many serious errors in the assessment process.³⁵

The directives for settlement made it imperative on the District Officer to turn out the Taluqdar and reinstate the village zamindar. No Taluqdar, middleman or farmer was to be allowed and if long possession had accrued him a proprietary right it was to be counter-balanced by a 10% Taluqdaree allowance. In case there was a village claimant he was to be put in "and the Taluqdar was to be referred to the regular settlement".

Fixing the Jama

Now, there were only two alternatives left open for the fixation of the Jama. ³⁶

1.	Take the 5 years average Jama - say -	Rs. 1200/-	
	Add Rakam Sewai	Rs. 150/-	
	-Do- Nazarana	Rs. 75/-	
	-Do- Patwari services	Rs. 60/-	
		<hr/>	
	TOTAL	Rs. 1485/-	(gross Jama)
	Deduct : Road Fund	Rs. 14/-	
	Chowkidar	Rs. 72/-	
	Patwari 6%	Rs. 64/-	(84/-)
	TOTAL	Rs. 170/-	Rs. 170/-
		<hr/>	
	Therefore, the government Jama	Rs. 1315/-	
2.	Total village assessments as per Jamabandi Returns	Rs. 4000/-	
	Mahua trees and other	Rs. 100/-	
	Add : for Sir, Mafi and supposed concealment	Rs. 200/-	
	At $\frac{1}{2}$ assets Government Jama	Rs. 2150/-	
	Add : Patwari	Rs. 126/-	
	Chowkidar 2 at Rs. 36/- and 2 at Rs. 24/-	120/-	
	Bullahur 2 at Rs. 12/-	Rs. 24/-	
	Roads	Rs. 22/-	
	Total Payment	Rs. 244 2/-	

Thus the first system when adopted, gave a heavy Jumma because after investigation it became clear that the paying Jama of a village was the full amount of its assets. Nazim and Chakladars left nothing to the village; they exacted all that the village produced in frequent manner. The accounts showed the results as under :

Paying Jumma		Village assets as shown the Jamabandi returns
1258 Fasali	Rs. 2500/-	Rs. 2000/-
1259 F.	Rs. 2000/-	Rs. 1800/-
1260 Fasali	Rs. 2800/-	Rs. 2200/-
1261 Fasali	Rs. 2800/-	Rs. 2000/-
1262 Fasali	Rs. 2800/-	Rs. 2000/-

Such exaction continued for a year or two and the village in a taluqa, was, then sold or mortgaged or let in farm to some power full Taluqdar. This explains, gradual extension of Taluqas in Avadh during the period³⁷ of present study.

The assessment system was inherently weak so much so that it accommodated numerous errors in the wake of expediency. The assessing officer, under the first system, could certainly strike off the amount if he considered the paying Jumma high. While under the second system he could add if he felt some concealment of the assets. Therefore, this arbitrariness coupled with some guess work resulted into very high assessment at one place and very low at another. The difficulties arose mainly due to the following causes³⁷:

- A. The patwari entirely thrived at the behest of the Taluqdar and he would not provide correct Jumabandi returns.
- B. The jumabandi accounts relating to the Sir lands did not show their rates as generally such lands were left unassessed.

Every village had Sir land usually the best in the qualitative terms. Whenever such land was assessed, the usual system was to add it to the village Jamabandi at the highest rent paid per bigha for any land in the village. The Mafi lands comprising a few bighas were granted to the servants of the Taluqdars and the Chowkidars. This quantity of land was to be added into the village assets before fixing the Jama.³⁸

The pinch and protest of over-assessment led to the reduction in the demand after first assessment upto 20 to 25% in some districts.

It is interesting to note that in the disposal of the rights, at the commencement of the settlement, the village zamindars did not come forward. Perhaps, they failed to understand the intention to deal with them or the Taluqdars exercised their influence to keep them away. But as soon as the village zamindars learnt that they might recover their dormant rights, they thronged at the doors of the District Officers, consequently a fierce contention ensued and the 'struggle ended in the dispossession of a large portion sometimes of all their estates'.

Having completed the entire summary settlement under Sir R. Montgomery and the Chief Commissioner, Major Barrow submitted a report of his proceedings. He stated that the administration succeeded in recovering all the accounts of the assessment of 1856 'which were invariably found in the hands of the Kanungos'.³⁹ Before comparing the results of the summary settlement of the

revenue with the incomes from land taken by the Nawab, Barrow pointed out that the former government officials took as much as they could get under various denominations. They would grant liberal reductions in the name of Nankar as an act of favour to the holder. Thus, with all such reductions the revenue amounted to Rs.13803734/- to the Nawab.

The assessment of 1856 was accomplished under the superintendence of the Financial Commissioner and it amounted to Rs.10489755 and had further been reduced to Rs.10420990. It is necessary to remark that in the settlement of 1856 many estates were assessed at the progressive rates.⁴⁰

The decrease was caused by settlement of Bindwa, Bintowlee at $\frac{1}{2}$ rates, the increase by 2nd year of Russudee assessment and was normal as regards increase. The increase was chiefly in estates settled on Russudee assessment.

Settlement of 1856

The first summary settlement in land was made for three years soon after the annexation of Avadh in 1856. This settlement conferred some recognition to the rights of the tenants and that of former proprietors also who were cultivators at the time of the annexation. The historic upheaval of 1857 left some far reaching consequences regarding the hitherto perspective of the British government in the Avadh agrarian policy. The village occupants with whom the first settlement had been made, joined the discontented Taluqdars against the British in the uprising of 1857. Now the Taluqdars earned a halo of being

Table-1 : Statement of Present Summary Settlement Compared with that of 1264 of the Province of Oudh

Division Name of District	1264 F	Present Settlement		Difference	
	Net Demand	Net Demand	Decrease Net demand	Increase Net demand	
LUCKNOW	Lucknow	903569	900255	5423	2109
	Roy Bareilly	853659	842690	2056	1067
	Unao	1026872	1034989	3464	11581
	TOTAL	2784100	2777934	20943	14757
FAIZABAD	Faizabad	1126284-10-	1133778-	1667	9161-1
	Sultanpur	844554-7-6	832037	412-	412-
	Pratapgarh	870250-	847692-		2668-
	TOTAL	2841089-1-6	2813507	397232-6-	12241-1
BUHRAICH	Gonda	918873-	929885	295-	11307-
	Bahraich	609969	573306-	49219-	12556-
	Mohandee	446888-10-	455035	2746-10-	10893-
	TOTAL	1973730-10-	1958226-	52260-10-	34756-
KHAYRABAD	Hardoi	1057380-	1036329-	-6-	147-
	Durrabad	861770-	861474-	893	597-
	Sitapur	969686-	973520-	11002	14836-
	TOTAL	2888836-	2871323-	33043	15580-
GRAND TOTAL		10489755-	10420990-	146019-12-6,	77334-

BR. Oudh General 1858-59, File 305 Paper No.19.

the 'natural leaders' who could carry the pulsating peasantry in their sway. Eventually it became clear if the British wanted to restore the peace and stability in the province, they would have to respect, the politico-economic privileges of the Taluqdars.⁴¹ The bureaucracy, in such a critical situation, considered the large landowning Taluqdars as the allies of the colonial rule.⁴² Therefore, orders were passed for a general confiscation of proprietary rights in order to set the matters right in March 1858. The Taluqdars were granted Sanads as the proof of their full proprietary rights.

The second summary settlement was made in May 1858, which also recognised the proprietary rights of the Taluqdars. They were rehabilitated and economic, social and political privileges were bestowed on them. Thus began the first step of calculating semblance of proximity with the traditional large landed gentry at the expense of the former small village proprietors and the rest of the agrarian sector.

The discussion and debate on the rights in land continued for a long time. In 1864, by the 'Oudh Compromise' the Taluqdars were persuaded to grant some rights of occupancy to those who had been proprietors earlier. These people had lost all proprietary rights in land during the past thirty years but still cultivated their traditional farms. Then followed the recognition of the sub-proprietary rights while keeping the position of Taluqdars central to the tenorial system. It is, however, significant to observe that the Taluqdars always enjoyed and nurtured their dominant status granted to them by the

second summary settlement during the colonial rule which created entirely a new form of land system. This was a successful venture in their agrarian cunning.

The Taluqdars were non-cultivating large landowners holding grants (Sanads) from the British government in India. The Sanads conferred legal title on them for permanent hereditary proprietary rights in their taluqas (estates). Some of the estates were indivisible and descend to the eldest son according to the law of primogeniture while there were others, divisible and governed by the ordinary rules of Oudh Estate Act, 1869.⁴³ The taluqdars were entrusted with the responsibility of realising the rents from the tenants.⁴⁴ They collected the rents directly from the tenants in the Kham areas while in other areas known as Pukhtadari, the rent was received through underproprietors or Pukhtadars. Usually the rents were collected in cash although the appropriation of agricultural surplus from the tenants formed the general mode of collection in kinds viz., Begar (forced labour), Nazarana (gift), Malikana (a tax to the taluqdar).

It is necessary to remember that the Revenue Affairs in Avadh (before annexation) were under the control of Taluqdars who would pay a fixed sum to the State. There were some officials also known as Nazims or Chakladars forming another channel of revenue collection. But the taluqdars were treated as superior-proprietors, grown out of Rajas. Functionally they were akin to the revenue collectors. The collection of the village revenue was managed by employing a lessee who also

made good the necessary amount of money besides for the taluqdar himself. Thus, the taluqdar had little else to do but receive the rental and pay according to the custom to the government. But he wielded immense power and influence over the village-holdings. Administering the power of distraint, seizing or selling the crops of the tenants remained his prerogative. A good number of these superior-proprietors were empowered with magisterial powers to try the offenders in petty cases both civil and criminal, on their estates. They could also order eviction from their estates if the tenants refused or pleaded inability to pay the rent. It must also be stated that they had the authority to increase the limit of demand, be it revenue or cesses. Therefore, the increase of rent and eviction from the land became simultaneous reaction causing immiserisation of the agrarian sector.

The settlement was to be made with the 'actual proprietors' who should have been identified with due clarity and caution. The Malguzars of any description paying the government demand were not eligible for this adventure of the British agrarian policy in Avadh. Taluqdar, too, was not entitled to receive anything if his possessions originated from any proven violence, fraud or were recent acquisitions. In case he possessed a 'prescriptive right' to malguzari engagement by dint of the long possession of the village holders, malikana shall be guaranteed to him and his heirs for the term of the revised settlement.⁴⁵ An allowance of 10% was also fixed upto certain period as proper compensation for the loss of the ancient rights to collect the revenue.⁴⁶

In the meantime, the taluqdars were required to pay the new rulers, the final instalments due on their engagements with the Nawab for the 1855-56 agricultural year. The taluqdars, many in number, committed a grave mistake in withholding payment as they expected better terms and conditions. The result of such a circumstantial defiance appeared in the confiscation of their estates and subsequent settlement with the sub-ordinate proprietors, contractors or the local coparcenary communities. For example, Raja Mansingh of Shahganj in Faridabad refused to pay Rs.40,000 as the revenue due to him. The British government chased his heels and the Raja fled from the scene ultimately. His entire estate was settled with the local coparcenary communities.⁴⁷

Bewildered by such a ticklish situation, the Chief Commissioner authorised the District officials, to bring his villages under the control and deny his malikana, in case of Taluqdar had deliberately withheld the payment. Nevertheless, it would not be judicious to heap all the blame on the Taluqdar only, for many of them failed to collect the revenue from the village holders who, became quite aware of the uncertainty of the taluqdar's tenure in the offing. The taluqdars were, indeed, in a whirlpool of sensitive stimuli. Even they could not borrow money from the local Mahajan (banker) as the banker too understood that the future of taluqdars hung with the slender thread. Therefore, the only way to remove the deadlock was to set aside the taluqdar in favour of his opponents.⁴⁸

Major Barrow, the officer-in-charge of the re-settlement of Avadh highlighted the policy pursued by his predecessor as under :

"Village Zumeendars did not come forward in large numbers, they either did not realize the intention to deal with them, or the Taluqdars still had power to keep them back. But when they once found that they might recover long dormant rights, they came forward in thousands, and appeals were so numerous that District Officers were allowed and exhorted to reverse their own settlements which had first been with the Taluqdar in favour of the Zumeendar. The contention was fierce, and the struggle ended in the dispossession of a large portion, sometimes all of their estates, to the Taluqdars."⁴⁹

It is, however, significant to observe that the impact of the imposed assessments by the new government was more deeply felt than the new settlement arrangements. This necessitated an earnest inquiry into the ways which were adopted in fixing the assessments. In fact, the local officers were directed to base their assessments according to revenue demands made by the Nawab regime during the last five years. But the responsible officers could not collect the accurate statistical and data, therefore they preferred to shift their computation axis from villages to the Taluqas. This eventually made the entire exercise an erroneous take off. The settlement in Kakori (Lucknow), for instance, was not made on regular estimate of the rental, as the settlement officer fixed the jumma at what he considered just and assumed the rental to be the double of it.⁵⁰ Thus, the colonial claws of the government bled the villages white by revenue collections from helpless and hopeless shareholders. As a matter of political expediency, this was their deliberate strategy in order to compensate the loss

the government suffered at the hands of the defiant taluqdars. The instructions to base the demands on the past collections were observed more in violation than compliance. Hence, the Financial Commissioner, under the pressure of such a peculiar circumstance, began the revision of the assessment and reduced the limit from 20 to 25%.⁵¹

By the time of the castratic events in 1857, the settlement of Avadh was largely an unaccomplished task. Even the preparation of the basic records of rights or the fixation of shares of the coparcenery communities was far from completed. The civil government had suffered a big jolt throughout the province. So the taluqdars made use of the prevent anarchy and brought the villages under their rule which they had lost in 1856. This was prima facie repudiation of the ongoing settlement. But the British government fought to the core and suppressed the sporadic uprising. As retributive punishment the government confiscated the land for rebellion in Avadh worth for Rupees 9,46,833 assessment.⁵²

Participation of the village holders in the rebellious acts of the Taluqdars posed a mind-boggling problem for the British. The government had contemplated in fact the inflinched cooperation of the village holders but they told the live of the disgruntled Taluqdars. This clearly proved how much social influence was wielded by the landed aristocratic class. Barrow, in October 1858, lamented "our gradual resumption of districts has not even yet brought our assistance to those village communities, nor have they except in rare instances

demanding restitution of those rights we had conferred them prior to the outbreak. The assumption is, they are content with their inferior position".⁵³

Now, the apt handling of the rebellious forces paved the way for an atmosphere in which the Taluqdars could go to the agents of imperialism for demonstrating their allegiance. The British expected some concrete manifestation of their loyalty, therefore they asked them to 'establish such posts as may be requisite for maintaining the peace'. Though the taluqdars were not required to fight for the British at this juncture but they were to place police out-posts in advance of the British control channel for, they would, thus, form lines of communication and bring the general populace in support of the colonial cause.⁵⁴

The aftermath of the uprising (1857), therefore, manifested in an immediate tilt towards the interest of the taluqdars, who got back all that they had lost in the recent settlement. The British played the role of patron and protector of the landed aristocracy by making their titles secure. The taluqdars were granted Sanads (patents) in 1860. The sanads confirmed the holders in the full proprietary holding of their estates. The taluqdars, in turn, were required to pay their revenue, remain loyal to the British government, boost up agricultural production and preserve the rights of those under them on the land. Most significantly, this act of the government transcended, even the modus operandi of the land acquisition, by the Taluqdars.⁵⁵

It may fairly be maintained that the nature and status of the Taluqdars underwent calculated casting, decasting and recasting during the Nawabi yore and the colonial era. They were strikingly unlike their counterparts in England. The English landlords represented gradual endemic genesis while the Taluqdars, the creatures of contemporary extraneous exregencies meant to serve as the tools of the British political manoeuvrings in Avadh.

IV

PYRAMIDAL AGRARIAN STRUCTURE : AN EMPIRICAL VERIFICATION

The form of holding land as private property in a juridical sense of the term was materialised by colonial rule in Avadh or for that matter in the whole of British India. The landed aristocracy with juridical status was composed of primary and secondary Zamindars who were an apex of the pyramidal structure of the agrarian society. The primary Zamindar lived in the village who had immediate dominion over the soil, regulated the settlement of newcomers, and control the produce. The secondary Zamindar, called Raja or Taluqdar, collected revenue from the primary Zamindar having ownership of a large estate. There were also other layers of intermediaries between the state and the cultivators. The actual tillers of the land - whether peasants or tenants or agricultural labourers - were at the bottom of the pyramidal structure of agrarian society. In this way, the agrarian structure in Avadh was composed of Taluqdars, village Zamindars, Peasants, Tenants and agricultural labourers.

As much as 92 per cent of the total population of Avadh lived in its rural areas. About 72 per cent of its total population were engaged in agriculture. This is what Benett's figures⁵⁶ relating to the 1869 Census indicate. So far this Census is concerned, the agricultural population was classified in six major groups such as Zamindars, Tenants with occupancy rights, Tenants with no occupancy rights, Sub-tenants, Farm servants and Field labourers. The first two groups which are taken to assume as landholders, constituted only one-tenth of the population engaged in agriculture in Avadh. Table 2 shows that 83 per cent of the total population were the cultivators and 6 per cent of the total were agricultural labourers, inclusive of both, farm servants and field labourers. If the second group is excluded from that of landholders, then 90 per cent of the total population were cultivators, tenants and agricultural labourers.

The 1891 Census of Avadh province that presented figures relating to agriculture on the basis of interest in land, categorised agrarian society in the following groups : land proprietors not cultivating, land proprietors cultivating, lessees of villages (i.e. persons to whom lease was made), tenants not cultivating, and tenants cultivating. The first group stands for absentee feudal lords living on rent and the second for cultivating landholders. The rest refer to cultivators and tenants,

Table 2 : Occupational Pattern of Population (Relating to Agriculture) in Oudh, 1869

	Actual workers	Dependents	Total population	Percentage of total population
1. Zamindars	178043	343693	521736	5.70
2. Tenants with occupancy rights	175920	271682	447602	4.96
3. Tenants with no occupancy rights	3085999	3164837	7020836	77.77
4. Sub-tenants	258950	234453	493403	5.46
5. Sub-total of landholders and tenants	3698912	4014665	7713577	93.89
6. Farm servants	150005	143640	293645	3.25
7. Field labourers	631402	389107	1020509	2.86
8. Sub-total: Agricultural Labourers	781407	532747	1314154	6.11
TOTAL	4480319	4547402	9027731	100.00

Source : Census, 1972 (Table XV, Part 'B'), pp. 373-4
 (Actually no Census was taken in Oudh in 1872.
 The figures shown for 12 districts of Oudh
 relate to 1869 Census).

some of whom were not cultivating land. Table 3 shows that the tillers of the land numerically dominated in the agrarian society of Avadh. There were only handful number of feudal lords who were supposed to control over the supply of land.

Table 3 : Occupation of Oudh in Agriculture
(Interest in Land)

	Total	Percent
1. Land Proprietors not cultivating land	122822	1.72
2. Land Proprietors cultivating land	419520	5.87
3. Lessees of villages	6685	0.09
4. Tenants not cultivating land	881	0.03
5. Tenants cultivating land	6587334	92.29
6. TOTAL	7137242	100.00

Source : The NWP & Oudh, by D.C. Baillie (Part II), Allahabad, 1894 (quoted from 1891 Census of India, Table XVII, Part-B).

"In speaking of the landed interest at home, they (i.e. the English) always refer rather to the landlords and rent-receivers than to rent-payers and to the actual cultivators; and it is, therefore, not surprising that they should regard the interests of the Zamindars and Taluqdars, however few their actual number, as equivalent to the interests of the great body of the people".⁵⁷ That is why the English made such land settlement that land ownership was legally vested in a handful number of feudal lords as the rent-receivers. From the point of view of rent-receiving or revenue paying, the English superimposed such a pattern of land tenures which was categorised in the following groups : revenue-payers in terms of more than Rs.50,000; from Rs.50,000 to Rs.5,000; from Rs.5,000 to Rs.100; upto Rs.100; holders of partially or wholly revenue free tenure;

landowners who redeemed revenue; purchasers of wasteland; and others. Table 4 shows that the revenue-payers in the first and second categories were Taluqdars and big Zamindars who held nearly half of the gross area under their control. There were

Table 4 : Varieties of Tenures Held Direct From Government in Oudh (1894-95)

Categories of Revenue-Payers (in terms of Rs.)	No. of estates	Number of villages	No. of holders or share-holders	Gross Area (in acre)	Average area of each estate
1. More than Rs.50,000					
(a)	44	7381	111	4329030	98387
(b)	1	145	3	103601	103601
(c)	Nil	Nil	Nil	Nil	Nil
2. From Rs.50,000 to Rs.5,000					
(a)	203	6750	333	3289027	16202
(b)	60	1604	153	849410	14157
(c)	32	380	4643	186479	5827
3. From Rs.5,000 to Rs.100					
(a)	276	602	173	3017252	1093
(b)	1687	3113	4803	1139999	676
(c)	7301	10062	157714	4010517	549
4. Upto Rs.100					
(a)	8	7	9	573	72
(b)	480	501	1410	41606	87
(c)	1701	2501	9858	107681	63
5. Holders of Partially or wholly revenue free tenure					
(d)	176	255	525	69090	393
(e)	425	580	1804	118280	278
6. Purchases of wasteland	84	155	147	159246	1848
7. Others	5	13	9	2774	156

Source : Agricultural Statistics in British India, Calcutta, 1909.

Notes (a) refers to individuals under law of primogeniture; (b) to individuals and families under ordinary law; (c) to village community; (d) to in perpetuity; and (e) to for life or lives.

also some landlords who were paying revenue upto Rs.100 to the State. There were certain estates in Avadh wherein the landlords had wholly or partially revenue free tenures. Most of them were those who held hereditary control over land received from their respective rulers in the past as 'inams' or 'jagirs' in some form or other. Those who purchased wasteland had also confirmant of ownership on them. In this way, the agrarian structure was composed of revenue-payers or rent-receivers and rent-payers. The former owned most of the land and the latter were cultivators and tenants, constituting a major portion of the rural population who paid rent to the landlords. Besides, there were also farm servants and field labourers who were mostly attached to the Zamindars and landlords.

The Taluqdars were super-feudal lords in terms of the power they enjoyed in Avadh during colonial rule. More than half of the villages and their land were under Taluqdari control and possession as confirmed by the British Government. Table 5 shows that more than half of the total revenue assessed on land by the Government was from the Taluqdari estates alone. The caste-wise composition of the Taluqdari system indicates that the Rajputs of different clans were most dominating and the Muslim community and Brahmin followed second and third in order. Land were heavily weighed in favour of Rajput, Muslim and Brahmin. The Rajput taluqdars were mostly royal descendents. The Muslim taluqdars were mostly the Chieftains

Table 5 : Taluqdari Land Holdings in Oudh by Caste and Community : 1877

Caste/community	Villages	% of Taluq-dari	Jama (in Rs.)	% of total jama
Rajput	8267.5	60.60	51,52,000	60.17
Brahmin	1251	9.18	8,57,100	10.11
Kayastha	196	1.44	1,31,800	1.54
Khattri	186	1.36	1,60,600	1.88
Kurmi	15	0.11	10,900	0.12
Nanashahi Fakir	150	1.10	83,700	0.97
Muslim	2797	20.50	18,02,400	21.05
Sikh	638	4.68	2,78,400	3.25
European	74	0.54	46,000	0.54
Unidentified	59	0.43	37,900	0.37
Total Taluqdari	13633.5	100.00	85,61,800	100.00
Total province	24063	57.00	149,19,000	57.39

Source : 'Land, Landlords and the British Raj', Thomas R. Metcalf (1979).

of the Mughal empire who wielded power with the downfall of the empire. The materialisation of land as private property and the consolidation of Taluqdari rights in land and other intermediaries by the English were in the order of setting such an agrarian structure in Avadh that could easily succeed in superimposing colonial rule over the State at the base of feudal relations in land with a view to encompassing the whole countryside under the British Raj from remote controls. The

vast mass of population comprising of cultivators, tenants and agricultural labourers were left under the control and mercy of the feudal lords in the province.

V

STATUS AND CONDITIONS OF TENANTRY

Prior to the coming of the British the prevalent tenure in the greater parts of Avadh, was not ryotwari, but rather that of private ownership of village estates, and the ruling power did not interfere in fixing the rent between the Proprietor and tenant.⁵⁸ The legal validity and permanency of the village proprietary right, and the non-permanency and legal invalidity of the ordinary tenant's claim to hold the land against the landlord were clearly enough recognised in the earlier rule by the general public opinion as to rights, probably, this public opinion served as the common law of the province.

"The destruction or confiscation of the village proprietary right for no serious offence by a Raja or feudal lord" was considered an act of illegal wrong or misgovernment.⁵⁹ The aggrieved party could, in that case, make appeal in any tribunal. On the other hand, the 'capricious' ousting of a resident-tenant by a village proprietor was an undesirable and 'morally reprehensible' act and nobody could move the portals of justice. This glaring contradiction was noticed in the 'Oudh Inquiries of 1864-65' by Mr. Carnegie.⁶⁰

In Avadh, "the village landlord form of property was no doubt mixed up with the large estates held by Rajput Chiefs", but their large estates had a tendency to split up into village estates. Perhaps, the misgovernment of the Nawabi rule led to the great destruction and degeneration of village estates.

Benett observed that the tenants' farms average rather more than five acres get in certain districts, the average declined to less than three acres. According to his estimate, between a third and a half of the whole number of cultivators held farms of less than three acres each. A farm of three acres paying rent at prevalent rate, in Avadh, was sufficiently greater to enable a tenant in a succession of years to maintain his family.

In districts where the average was three acres or less, there must be a large number of very small farms on which a tenant family subsisted with a great difficulty even in ordinary seasons. Benett stated that the percentage of agricultural labourers were much worse off as a class than the tenants. The poor tenants perpetually became the labourers on account of minor calamity and the 'labourers furnish formidable competitors for possession of land as tenants on any terms'.

On many estates, particularly on those of small landowners, rents had been frequently increased. A system of competitive rack-renting had taken place. The landlord took the advantage of the spirit of competition among tenants. Further, the landlords or their agents on many estates had resorted to 'a system of squeezing a higher rent out of these tenants by small but

rapid increase, and extorted by the thread of eviction. Thus a state of insecurity of tenure gripped the tenants. This was extremely detrimental to the property of tenants and the possible agricultural improvement. To summarise the conclusion it may be stated that, though in most districts, the keen competition for land as a precursor to rack-renting became order of the day. Therefore, there was a dire need of reforming the rent law at that time. There should have been minimum disturbance of the existing relations between landlord and tenant consistent with the due protection of the latter.

Against this background, a few proposals were referred to by Mr. J.B. Lyall. The proposals were:⁶¹

- a. that only 'Chapparband' or resident tenants should be protected by the Statutory term and compensation for disturbances while the 'Pahikasht' tenants should be subject to the existing law.
- b. that on a death of a tenant, the right to hold the lease for the unexpired balance of term should be inherited only by a shareholder holding in common.
- c. that no eviction should be allowed till the compensation for improvement settled and paid. The claim to compensation should continue as long as the improvement is valuable, not for any limited term.
- d. that the notice of eviction after Rabi harvest should begin not later than the preceding 1st October, and the objections should be made within six months. The court was to have the power to extend the term on the sound reasons.

- e. that the increase of assessment at the last settlement based on anticipated rise in rents caused large enhancements of rents in certain districts. The assessment of the next settlement should be done only at the settlement Officer's estimate of actual rents.
- f. that the tenant should have to right to improve with the consent of the landlord. In case, the landlord refuses, the tenant should be able to move the court. Then, the court would hear the landlord's objections and overrule them if unreasonable. The landlord should be allowed to improve on a tenant's holding without the tenant's consent during the seven-years term of tenancy.

Maj. H.W. Hastings, the Deputy Commissioner, Lucknow stated that the advance of rents of land at the settlement had been:⁶²

- a. In the tenancies of old cultivators, the component fields of whose holdings are much the same as at the settlement, but whose rent has altered considerably 12%
- b. In the tenancies of old cultivators, the component fields of whose holdings have materially changed since the settlement :
 - i. in respect of the land held continuously since the settlement 20%
 - ii. in respect of the lands occupied after the settlement 30%
- c. In the tenancies of the new-comers 32%

The enhancement of rents was always 'bill-mukhta' (i.e. on the tenant's holding as a whole), the enhancement was distributed on the component fields by the Patwari at his discretion. Strangely, the capacities of the tenants holding were never taken into account and thus the enhancement were not made on

any definite principle.⁶³ Hardly any tenant was free from debt and in most cases, the stock in his possession equalled to his indebtedness.⁶⁴

In fact, there were no prevailing rent-rates and in the fixation or enhancement of rent, the capacity of the individual fields was not considered. Even, the regard traditionally shown to the high-caste cultivators in the matters of rent-rates became a bygone story.⁶⁵ Moreover, as Maj. E.E. Grigg, the Dy. Commissioner, Partapgarh, observed that the distribution of rent on the component fields was usually 'extremely erratic'.⁶⁶

According to Maj. Grigg, the rise in prices was mainly confined to wheat and the common rice. He found that the cultivation of wheat had gone down and that, consequently, the rents had not been much influenced by a price-rise. On the basis of the latest crop-returns in Partapgarh, he stated that about 19% of the cultivated area was under rice, 11% under wheat and 70% sown with other grains. If these proportions were to be accepted as an approximation to the facts; the average rent-incidence on old-rented lands occupied by the tenants-at-will increased by about 35½ per cent.⁶⁷

Table 5 : Rise in Prices

Grain	Prices from 1267 Fasli to 1271 Fasli		Prices from 1285 F to 1289 F		Remarks
	Ser	Chhatak	Ser	Chhatak	
Wheat	29	0	17	10	Showing a rise of 62%
Barley	30	9	28	1	" 9%
Rice	31	9	15	9	" 100%
Juar	33	10	26	7	" 25%
Bajra	31	7	27	9	" 14%

The Dy. Commissioner valued the live-stock in the villages at only Rs.41000 which is a very low amount. The tenants-at-will of 41 villages were found insolvent. A gloom of general poverty was writ large on the face of the cultivating class. There was marked difference between the homesteads of the tenantry in Partapgarh and Allahabad (NWP). In Allahabad, the houses were made up of tiles as a general rule while in Partapgarh such houses were exceptions; although the tenants should have liked to build tiled houses had they had enough means.⁶⁸

According to the Census Report the cultivated area of Avadh was 13,126.4 Sq. Miles or 8,400,640 Acres. This shows that the average area of cultivation to an agricultural family was 4.84 acres or 7.75 standard Bighas,⁶⁹ and each agriculturist possessed just 0.95 acres or 1.63 Bighas.⁷⁰ The Table (6) given below shows the average for each district.⁷¹

Table 6 : District-wise Distribution of Average Area of Cultivation Per Family

District (s)	Average Area of Cultivation Per :			
	Agricultural Family		Agriculturist	
	Acres	Bighas	Acres	Bighas
1. Lucknow	4.57	7.31	1.09	1.74
2. Unnao	3.80	6.08	0.09	1.44
3. Barabanki	4.53	7.25	0.96	1.53
4. Sitapur	7.89	12.62	1.44	2.30
5. Hardoi	6.25	10.00	1.28	2.05
6. Kheri	6.21	9.94	1.22	1.95
7. Faizabad	3.56	5.70	0.73	1.17
8. Bahraich	4.41	7.06	1.13	1.81
9. Gonda	6.54	10.46	1.11	1.78
10. Raebareli	4.00	6.40	0.81	1.29
11. Sultanpur	3.75	6.00	0.84	1.34
12. Partapgarh	2.68	4.29	0.72	1.15
AVERAGE	4.84	7.75	.95	1.63

The average area of cultivated land to each resident tenant in the villages (data collected for 487 villages) was 7.82 Bighas at the time of settlement.⁷² The cultivated land in the villages was examined and it was found that various classes of cultivators held the land in the following proportion:

a. Rent-free holders	...	5.2%
b. Under-proprietors	...	6.6%
c. Proprietors	...	8.9%
d. Tenants	...	79.3%

The occupancy-tenants were included in the last heading, their number was so insignificant (probably not more than 0.5% of all cultivators). The following table compares to distribution of land at the time of settlement and during 1882-83.⁷³

Table 7 : Distribution of Land During Settlement

Districts	Percentage of land occupied							
	Rent-free		By proprietors		By under proprietors		By tenants	
	at se- tle- ment	Now	at se- tle- ment	Now	at se- tle- ment	Now	at se- tle- ment	Now
Lucknow	8.7	6.8	10.8	8.4	3.8	3.9	76.7	80.4
Unnao	8.1	9.6	10.4	16.7	3.1	3.8	78.4	69.9
Barabanki	10.2	9.5	8.4	8.0	1.9	3.7	79.5	78.8
Sitapur	5.4	4.7	5.9	3.8	1.0	1.3	87.5	90.2
Hardoi	3.7	2.4	16.4	12.1	6.4	4.4	73.5	81.1
Kheri	6.5	8.4	5.6	5.5	1.4	2.7	86.5	83.4
Faizabad	5.9	5.0	10.7	9.7	11.8	12.8	71.6	72.5
Bahraich	9.6	3.6	1.3	2.9	0.8	1.8	88.3	91.7
Gonda	5.3	4.1	9.4	8.1	12.9	12.4	72.4	75.4
Raebareli	9.4	6.1	9.4	10.0	6.7	9.2	74.5	74.7
Sultanpur	8.3	3.2	4.6	5.2	14.7	18.1	72.4	73.5
Partapgarh	7.9	4.9	13.1	7.3	8.9	14.0	70.1	73.8
AVADH	7.0	5.2	9.4	8.9	6.1	6.6	77.5	79.3

Note : In the NWP only 38% of the cultivated area is occupied by TAW.

There were few cultivators with proprietary rights. The actual tillers of the land were by and large peasants and tenants who constituted a major part of the population in Avadh. They were completely dependent on the feudal lords and their surpluses were appropriated by the lords, having no incentive to produce more than required which was again wholly dependent on nature in the absence of any techno-economic security to cultivation. In fact, they were placed under the double yoke of exploitation i.e. the Zamindars and Taluqdars on the one hand and the State on the other.

A CONCLUDING NOTE

The Colonial system of land tenurial arrangements in Avadh was shot through a marriage of convenience between the British raj and landed aristocracy which in fact interwove a super-structure of colonial rule in the province. 'The British neither sustained the traditional order, nor they transformed society so as to encourage capitalist enterprise'. The old elites (such as Rajas, Chieftains, and Taluqdars) were kept in place and 'the old structures of production and of their relationships within the village' remained intact; but by eroding the internal structure of socio-economic relations with them. In fact the elites were brought into the bureaucratic fold of the colonial rule and the tillers of the land were placed under the double yoke of exploitation, i.e. the State and the feudal lords.

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11. Ibid. (See also the section 26 of the Act XVII of 1876).
12. If the Claimant's name had not been published in the Gazette of India in the manner provided by section 8 or section 9 of the Act-I of 1869, he had no privilege under section 116 of the Act of XVII of 1876. The question of status was distinct from the question of the mode of devolution of property; and the list of Taluqdars published in the Gazette of India will be found in :
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52. Division	Assessment (Rupees)
Lucknow	2,38,222
Faizabad	65,687
Khairabad	62,692
Bahraich	<u>5,80,232</u>
Total	<u>9,46,833</u>

The lands thus confiscated, included the some largest estates of Loonee Singh (Mitauli) Hurdut Singh of Boundee, Oodit Prikash Singh of Ikauna, Devve Bux of Gonda and Ranee of Tulsipur (Bahraich).

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The account by Benett is, perhaps based on earlier data. However, the Census Reports of the North-Western Provinces and Oudh speak as follows :

Year	Area	Population
1871	-	11,198,095 (based on
1881	24,246 Sq.miles	11,387,741 data
1891	24217 Sq. miles	12,650,831 collected in 1869)

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ABBREVIATIONS

B.R.	Board of Revenue
C.C.	Chief Commissioner
Commr.	Commissioner
Offg.	Officiating
Progs.	Proceedings
Rev.	Revenue
Secy.	Secretary
UPSA	Uttar Pradesh State Archives (Lucknow)